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EXAMINER

PATEL, DHIRUJHAI R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/043,084

Applicant(s)

PYRON, ROGER

Examiner

DHIRU R PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s): \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### Part III DETAILED ACTION

#### ***Claim Objections***

1. Claims 8 -22 are objected to because of the following informalities:

Claim 7 is missing, claims 8-22 have been renumbered to 7 through 21. The applicant should refer to the claims numbers by their new numbers only.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 2, " said rim" lacks antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless :

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 11-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bing (6,580,029).

Bing discloses:

Regarding claim 1, a conduit body 220 (see fig 8, column 4 lines 5-35) including an elongate sidewall having an open upper end, a closed lower end, and a conduit body interior (see fig 8, column 4 lines 10-35); at least one hub 236 extending from said body in communication with said body interior (see fig 8, column 4 lines 5-45), said hub defining an access port for passage of wire therethrough (see fig 8, abstract lines 1-12, column 4 lines 5-45); and glide means 244 (see fig 8, column 4 lines 5-45) arranged within said body interior adjacent said access port for providing reduced frictional engagement with said wire passing through said access port (see fig 8, abstract lines 1-12, column 4 lines 20-35).

Regarding claims 11-12, a cover positionable over said upper end of said conduit body (see column 4 lines 15-17), with respect to claim 12, considering 112 second paragraph, claim 12 is included in this rejection. It is noted that the assembly of Bing meets the structural limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-10, 13-14 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bing (6,580,029).

Bing discloses:

Regarding claim 7, the assembly of Bing shows all of the claimed features as shown above, but fails to disclose wherein said conduit body is formed of a metallic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Bing with said conduit body being formed of a metallic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claims 8, the modified assembly of Bing shows all of the claimed features as shown above, but fails to disclose wherein said metallic material is selected from the group consisting of steel and aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified assembly of Bing with said metallic material being selected from the group consisting of steel and aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claim 9, the assembly of Bing shows all of the claimed features as shown above, but fails to disclose wherein said conduit body is formed of a non metallic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Bing with said conduit body is formed of a non metallic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claims 10, the modified assembly of Bing shows all of the claimed features as shown above, but fails to disclose wherein said non metallic material is selected from the group consisting of a polyvinyl chloride, a nylon, and a high density polyethylene. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified assembly of Bing with said non metallic material being selected from the group consisting of a polyvinyl chloride, a nylon, and a high density polyethylene, since it has been held to be within the general

skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claims 13-14, the assembly of Bing shows all of the claimed features as shown above, but fails to disclose said cover is formed from a transparent material (for claims 13), and said conduit body and said cover are made of vacuum form of plastic (for claim 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Bing with said cover being formed from a transparent material (for claims 13), and said conduit body and said cover are being made of vacuum form of plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

#### **Allowable Subject Matter**

6. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 15-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 2-6, 15-21 are the inclusion therein, in combination as currently claimed, of the limitation of said glide means comprises at least one glide bar supported by said sidewall (for claims 2-6), and a plurality of glide bar holders, wherein each holder includes a pair of opposed u-shaped members connected to an interior of said sidewall proximate to one of said access ports (for claims 15-18), and at least one pair of opposed glide bar holders on said sidewall and at least one glide bar supported by said glide bar holders (for claims 19-21).

The previously listed limitations are neither disclosed nor taught by the prior art of record, alone or in combination.

#### **Other prior art cited**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wium and Desloge disclose a conduit body similar to applicant's claimed invention.

#### **Contact information**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 - 3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of



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this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dhiru Patel  
Patent Examiner  
Group Art Unit 2831  
9/23/03

*Dhiru R Patel*  
*Primary Examiner*  
*9/23/03.*